

### R E M A R K S

Careful review and examination of the subject application are noted and appreciated. Applicants' representative thanks Examiner Senfi for the indication of allowable subject matter.

### SUMMARY OF TELEPHONE INTERVIEW

In a telephone interview on March 5, 2009 between Applicants' representative, Robert Miller, and Examiner Senfi, the rejection of claims 13-23 and 25 under 35 U.S.C. §101 was discussed. Examiner Senfi pointed out that under the present criteria, the steps of the method claim needed to be tied to some technology for carrying them out. Agreement was reached that the amendment presented herein would overcome the rejection under 35 U.S.C. §101. However, the Examiner stated that further review by the Office's 101 Panel would be required.

### CLAIM REJECTIONS UNDER 35 U.S.C. §101

The rejection of claims 13-23 and 25 under 35 U.S.C. §101 has been obviated by amendment and should be withdrawn.

Specifically, claim 13 recites a method for performing motion estimation, comprising the steps of (A) acquiring a current picture, a first reference picture and a second reference picture using a video encoder, (B) generating a measurement of inter-picture motion between the current picture and the first reference

picture by performing a global motion estimation process on the current picture and the first reference picture, (C) generating a control signal in response to (i) the measurement of inter-picture motion between the current picture and the first reference picture and (ii) a predetermined threshold value, where the video encoder selects either the first reference picture or the second reference picture as a better reference picture for subsequent motion estimation and motion compensation on the current picture in response to the control signal, and (D) generating one or more motion vectors in response to the better reference picture and the current picture, where the current picture is encoded based upon the one or more motion vectors. Claim 13 is believed to fall within the statutory categories of invention. As such, the presently claimed invention is fully patentable and the rejection should be withdrawn.

Claims 1-5, 7-12 and 24 are allowed (see page 3 of the Office Action).

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative between the hours of 9 a.m. and 5 p.m. ET at 586-498-0670 should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit  
Account No. 12-2252.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.

A handwritten signature in cursive script, appearing to read "Robt M. Miller", is written over a horizontal line.

Robert M. Miller  
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Dated: March 19, 2009

c/o Lloyd Sadler  
LSI Corporation

Docket No.: 03-0798 / 1496.00336